

1 MELISSA M. HARNETT (Bar No. 164309)

mharnett@wccelaw.com

2 JESSE B. LEVIN (Bar No. 268047)

jlevin@wccelaw.com

3 GREGORY SCARLETT (Bar No. 131486)

gscarlett@wccelaw.com

4 **WASSERMAN, COMDEN, CASSELMAN & ESENSTEN, L.L.P.**

5567 Reseda Boulevard, Suite 330

5 Post Office Box 7033

Tarzana, California 91357-7033

6 Telephone: (818) 705-6800 • (323) 872-0995

Facsimile: (818) 996-8266

7 CRAIG J. ACKERMANN, (Bar No. 229832)

cja@laborgators.com

8 DEVIN C. COYLE, (Bar No. 267194)

devin@laborgators.com

9 **ACKERMANN & TILAJEF, P.C.**

10 1180 South Beverly Drive, Suite 610

Los Angeles, California 90035

11 Telephone: (310) 277-0614

Facsimile: (310) 277-0635

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13 Attorneys for Plaintiff and the putative class

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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18 ROBERT COHEN, individually and on
behalf of all others similarly situated,

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Plaintiffs,

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vs.

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UNITED HEALTHCARE SERVICES,
INC.,

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Defendant.

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CASE NO. 10-2027 CAS (ANx)

CLASS ACTION

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: Monday, February 7, 2011

Time: 10:00 a.m.

Judge: Hon. Christina A. Snyder

NOTICE IS HEREBY GIVEN that, on Monday, February 7, 2011, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 5 of the United States District Court for the Central District of California before the Honorable Judge Christina A. Snyder, Plaintiff Robert Cohen ("Plaintiff") on behalf of himself and all others similarly situated, will and does hereby move the Court pursuant to Rule 23(e) to¹:

(1) Preliminarily approve the proposed Joint Stipulation of Class Action Settlement (the "Agreement") and Settlement Fund of \$1,250,000.00. A Net Settlement Fund ("NSF") would be distributed to class members, with no reversion to Defendant, after deduction of incentive award of \$12,000.00 to Named Plaintiff in recognition of his services to the class; an award of attorneys' fees of 25% of the fund, reimbursement of litigation costs incurred up to \$13,750.00; deduction of \$5,000.00 for a PAGA payment to the California Labor Workforce Development Agency; and deduction of \$18,000.00 for claims administration by Simpluris, Inc.;

(2) Preliminarily certify the class for purposes of settlement;

(3) Preliminarily appoint Plaintiff as Class Representative for purposes of settlement;

(4) Preliminarily appoint Melissa Harnett of Wasserman, Comden, Casselman & Esenstein, L.L.P., ("WCCE") and Craig Ackermann of Ackermann & Tilajef, P.C., ("A&T") as Class Counsel for purposes of settlement;

(5) Approve the proposed Class Notice, Claim Form and Opt-Out Form, and ordering their dissemination to the class as directed in the Settlement Agreement;

(6) Schedule hearing on Plaintiff's Motion for Final Approval of Class Action

¹ This Motion for Preliminary Approval is brought after a meet and confer conference with opposing counsel in compliance with Local Rule 7-3 on December 6, 2010. While preserving all of its rights and defenses if the settlement is not approved, Defendant does not oppose this Motion.

1 Settlement; and

2 (7) enter the proposed Preliminary Approval Order lodged herewith.

3 This Motion is hereby made based on this Notice of Motion and Motion, the
4 accompanying Memorandum of Points and Authorities, Declarations of Melissa M.
5 Harnett and Craig Ackermann, and exhibits thereto, Request for Judicial Notice, and
6 Proposed Order Granting Motion, and upon such other oral and documentary
7 evidence as may be presented at the time of the hearing, on all of the pleadings,
8 records, and papers on file in this action, and upon whatever additional argument
9 and evidence that may be presented to the Court at the time of the hearing.

10 DATED: December 17, 2010

Respectfully submitted,

11 **WASSERMAN, COMDEN,**
12 **CASSELMAN & ESENSTEN, L.L.P.**
13 MELISSA M. HARNETT
14 JESSE B. LEVIN

15 **ACKERMANN & TILAJEF, P.C.**
16 CRAIG ACKERMANN

17 By: /s/Melissa M. Harnett
18 MELISSA M. HARNETT
19 Attorneys for Plaintiff Robert Cohen,
20 individually and on behalf of all others
21 similarly situated
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